

REMARKS

Reconsideration of the application is requested. An RCE has been concurrently filed with this amendment. Entry of the amendments preliminary to further prosecution is requested. The comments below are provided, in addition to those in the paper filed on July 10, 2009, and are provided to be further responsive to the Office action mailed on April 14, 2009.

Claims 1-10 and 12 remain in the application. Claims 1-10 and 12 are subject to examination. Claims 1 and 12 have been amended.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 1-11 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Claims 1 and 12 have been rewritten to address the Examiner's concerns. Applicant believes support for the changes can be found in the claims as previously presented; additional support can be found by referring to pages 5-8 of the specification. Applicant submits that the claims in their amended form, for example claim 1, now express in clear terms that when the "request from a first location request handling device for switching device address data of a switching device" has been received, it is determined "whether the request is from a location request handling device of the first version or of the second version", and "in the event that the request is from a location request handling device of the first version", it is specified, "via the subscriber database, to the

first location request handling device, in a response, location request handling device address data representing an address of a further location request handling device instead of the switching device address data". Therefore, it can be seen that although the "first location request handling device" requested "switching device address data of a switching device, via which the subscriber can currently be reached" it was instead provided with "location request handling device address data representing an address of a further location request handling device instead of the switching device address data".

Since there has been a decision to provide the first location request handling device with data different to that which it requested based on the determination of whether "the request is from a location request handling device of the first version or of the second version", the applicant submits that claim 1 has now been amended in such a way that it would be clear to the person skilled in the art. One of ordinary skill in the art, having regard to what is described in the description, would be able to understand the boundaries of the claimed invention; the claims are believed to be sufficiently definite.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph.

Under the heading "Claim Objections" on page 5 of the above-identified Office Action, the Examiner stated that claim 1 lacks antecedent basis for "the address of a further location".

Claim 1 refers to “an address of a further location”.

Under the heading “Claim Rejections – 35 USC § 102” on page 5 of the above-identified Office Action, claims 1, 3-6, 8, and 10-11 have been rejected as being fully anticipated by U.S. Patent No. 6104932 to Havanis under 35 U.S.C. § 102. Applicant respectfully traverses.

In the office action, the Examiner has based his arguments on US6104932 (HAVINIS) and has referred to column 4, lines 20 to 58, with reference to Figures 4 and 5. In order to explain why HAVINIS does not disclose the features of claim 1, the applicant now sets out a summary of the teaching in column 4, lines 20 to 58.

The GMLC 490 receives a positioning request (step 500) and in response sends a request for routing information (e.g., the address of the MSC/VLR 460 serving the PLMN 405 that the MS 400 is currently located in and positioning subscription information for the MS 400) (step 505) to the Home Location Register (HLR) 450 of the MS. The HLR 450 checks its records to confirm that the MS 400 is registered in the HLR 450 (step 510), and that routing information for that MS 400 is available (step 515) and, if so, the routing information, e.g., the serving MSC/VLR 460 address, together with the positioning subscription information, is sent to the GMLC 490 (step 530). The GMLC 490 checks whether the MS 400 allows positioning to be performed

(step 535), and if so, the GMLC 490 sends the positioning request to the serving MSC/VLR 460 (step 540), using the MSC/VLR 460 address. The MSC/VLR 460 then routes the positioning request to the MLC 470 serving the PLMN 405 that the MS 400 is located in (step 545).

Claim 1 includes various features which are novel over HAVINIS. According to this claim, a request from a first location request handling device is received at a subscriber database of a mobile radio network for switching device address data of a switching device, via which a subscriber can currently be reached and it is determined whether the location request is from a location request handling device of the first version or of the second version.

According to HAVINIS, a request for routing information in respect of a particular mobile from a GMLC is received at an HLR. The request is for routing (the address of the MSC/VLR) and other information so that a decision can be made as to whether the positioning request should be sent to the mobile terminal.

However, claim 1 specifies: in the event that the request (SRI) is from a location request handling device of the first version, specifying, via the subscriber database (HLR), to the first location request handling device, in a response, location request handling device address data (MAP(H-GMLC) representing the address of a further location request handling device (H-GMLC-R6) instead of the switching device address data (MAP(MSC/SGSN))."

Such a feature is not disclosed in HAVINIS. This document discloses simply receiving the address of the MSC/VLR from the subscriber database (HLR). There is no disclosure that the GMLC receives via the HLR location request handling device address data representing the address of a further location request handling device instead of the address of the MSC/VLR since it is clear that in HAVINIS, the routing information, e.g. the serving MSC/VLR 460 address, is requested and this information is provided. Therefore, claim 1 is novel over HAVINIS.

Claim 1 now more clearly specifies:

“wherein in the event that the request is from a location request handling device of the first version, specifying, via the subscriber database, to the first location request handling device, in a response, location request handling device address data representing an address of a further location request handling device instead of the switching device address data”.

The Examiner has stated that the corresponding previously defined feature can be found in HAVINIS as follows: "C4 L20-43; if the GMLC is the serving device then HLR sends MSC address is sent to GMLC".

The Examiner's comment that this feature is accordingly anticipated by HAVINIS including the feature that the HLR sends MSC address (which is

switching device address data) is not true because "location request handling device address data representing the address of a further location request handling device" is not the same data as "the switching device address data", as is stated specifically in claim 1. This reasoning also applies to claim 12.

Under the heading "Claim Rejections – 35 USC § 103" on page 8 of the above-identified Office Action, claims 2 and 9 have been rejected as being obvious over U.S. Patent No. 6501955 to Havinis in view of 3GPP (3gpp Ts 23.271 v6.0.0.) under 35 U.S.C. § 103. Applicant respectfully traverses.

Applicant believes the invention as defined by claims 2 and 9 is not suggested for the reasons given above with regard to claim 1.

Under the heading "Claim Rejections – 35 USC § 103" on page 9 of the above-identified Office Action, claim 7 has been rejected as being obvious over U.S. Patent No. 6501955 to Havanis under 35 U.S.C. § 103. Applicant respectfully traverses.

Applicant believes the invention as defined by claim 7 is not suggested for the reasons given above with regard to claim 1.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 12. Claims 1 and 12 are, therefore, believed to be patentable over the art. The

dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-10 and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$490.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

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Reply to Office Action of April 14, 2009
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Respectfully submitted,

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MPW:cgm

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